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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,084	06/06/2001	Ryuji Ishiguro	KOIK-T0343	4477

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

DADA, BEEMNET W

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/701,084

Applicant(s)

ISHIGURO ET AL.

Examiner

Beemnet W Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/14/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 1-5,9,10 and 15-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2135

DETAILED ACTION

1. Applicant's election with traverse of Group II claims 6-8 and 11-14 in the reply filed on 9/14/2004 is acknowledged. The traversal is on the ground(s) that the invention appear to be of an overlapping area and the search and examination of the entire application would not place a *serious* burden on the examiner. This is not found persuasive because invention listed as Groups I-V do not relate to a single general invention for the same reason set forth in the last office action mailed 8/9/2004.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 6-8 and 11-14 are examined.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11-14 recites the limitation "said information *processing* apparatus". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2135

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tatebayashi et al. (hereinafter Tatebayashi) (US Patent No. 6,182,215 B1).

7. As per claims 6-8, Tatebayashi teaches an information processing apparatus for reciprocal authentication (i.e., two-way authentication, challenge-response format) with another information processing apparatus to execute pre-set processing, comprising:

a selection means (fig. 5, units 12 and 32) for selecting the processing for reciprocal authentication from one or more reciprocal authentication procedures in keeping with said pre-set processing [column 6, lines 21-47]; and

a reciprocal authentication means units for executing the selected reciprocal authentication procedures by said selection means [column 6, lines 47-67 and column 7, lines 1-16].

8. Claims 11, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Holmes et al. (hereinafter Holmes) (US Patent No. 6,119,108).

9. As per claims 11, 13 and 14, Holmes teaches an information furnishing apparatus for furnishing pre-set encrypted data and a key encrypting said pre-set data, comprising:

Art Unit: 2135

communication means for receiving data concerning the use of said data (i.e., license information) downloaded by information processing apparatus and data required for settlement, from the information processing apparatus [column 5, lines 15-39]; and

settlement means for making settlement based on said data concerning the use of said data downloaded by the information processing apparatus and on said data required for settlement [column 5, lines 25-44].

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes (US Patent No. 6,119,108) in view of Tatebayashi (US Patent No. 6,182,215 B1).

12. As per claim 12, Holmes teaches an information furnishing apparatus for furnishing pre-set encrypted data and a key encrypting said pre-set data as applied to claim 11 above. Holmes does not explicitly teach a reciprocal authentication means for effecting reciprocal authentication with information processing apparatus by exploiting a protocol on http. However, Tatebayashi teaches a reciprocal authentication for executing reciprocal authentication procedures with information processing apparatus [column 6, lines 47-67 and column 7, lines 1-16]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was

Art Unit: 2135

made to implement a reciprocal authentication method as taught by Tatebayashi into the information furnishing apparatus taught by Holmes, in order to further secure transfer of information between two apparatus by having two way authentication.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

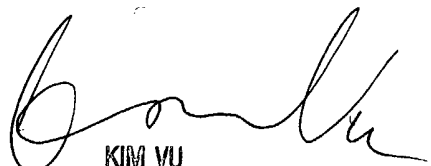
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

October 27, 2004


KIM VU
SENIOR PATENT EXAMINER
TECHNOLOGY CENTER 2100